

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIGUEL A. DAVILA,

PLAINTIFF,

v.

COMMONWEALTH OF PENNSYLVANIA,
et. al.,

DEFENDANTS.

No. 3:11-CV-1092

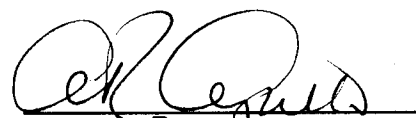
(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 3rd day of April, 2012, upon review of the Report and Recommendation of Magistrate Judge J. Andrew Smyser (Doc. 37) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 37) is **ADOPTED**. The Motion to Dismiss filed by defendants Lackawanna County, the Lackawanna County Court of Common Pleas, the Lackawanna County Office of Judicial Records, the Lackawanna County District Attorney's Office, the Lackawanna County Court Administrator's Office, and the Lackawanna County Public Defender's Office (Doc. 25) is **DENIED**.
- (2) This matter is **RECOMMITTED** to Magistrate Judge Smyser for further proceedings.



A. Richard Caputo
United States District Judge